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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rine et al.	Group Art Unit: 1652
Serial No. 09/165,460	Examiner: Tung, P.
Filed: October 2, 1998	Attorney Docket No. B96-021-3
For: *AFC1 and RCE1: Isoprenylated CAAX Processing Enzymes*	

OFFICIAL

CERTIFICATE OF TRANSMISSION
I hereby certify that this corr is being transmitted by facsimile to the Comm for Patents at (703) 872-9307 on January 24, 2002.

Signature _____
Richard Aron Osman

AFTER-FINAL RESPONSE

The Commissioner for Patents
Washington, DC 20231

Dear Examiner Tung:

Thank you for the Action dated Aug 31, 2001 Please enter these amendments:

IN THE CLAIMS

Please cancel claims 32, 36, 40 and 44.

REMARKS

Dependent claims 32, 36, 40 and 44 are canceled without prejudice solely to limit issues on appeal.

(a) The Examiner's rejection of claims 31, 33-34 and 39, 41-42 over Rose et al. (GenBank Accession No. Z49617) in view of Nozaki et al. (US Pat No. 4,997,767) is not in compliance with the notice requirement of 35USC132, which requires reason and information and references useful in judging the propriety of the rejection.

The art rejection applied to claims 31-34 and 39-42 (reciting SEQ ID NOS:1 and 2) relies on Rose, M. et al. (GenBank Database, Accession No. Z49617), which is dated Aug 11, 1997 more than a year after our Aug 7, 1996 priority date, and is hence not prior art. The Examiner has hand-written on the NCBI printout "Public Availability: 10/6/95". Upon telephone inquiry, the Examiner indicated that the only support for his hand-written comment was a "creation date"

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Adjustment date: 01/28/2002 DTHOMAS
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